

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

MOBIL CERRO NEGRO, LTD., *et al.*,

Arbitration Award Creditors,

- v -

BOLIVARIAN REPUBLIC OF VENEZUELA,

Arbitration Award Debtor.

Civil Action No.  
14-CV-8163 (PAE)

**DECLARATION OF MICHAEL J. BARATZ IN OPPOSITION TO DEFENDANT’S  
MOTION TO AMEND OPINION AND ORDER OF FEBRUARY 13, 2015**

I, Michael J. Baratz, hereby declare as follows:

1. I am a member of the law firm of Steptoe & Johnson LLP, counsel to Plaintiffs Mobil Cerro Negro, Ltd., Venezuela Holdings, B.V., Mobil Cerro Negro Holding, Ltd., Mobil Venezolana de Petróleos Holdings, Inc., and Mobil Venezolana de Petróleos, Inc. (collectively the “ExxonMobil entities” or “Plaintiffs”) in the above-captioned action.

2. I respectfully submit this declaration and supporting exhibits in opposition to Defendant’s Motion to Amend Opinion and Order of February 13, 2015.

3. Attached as Exhibit 1 is a true and correct copy of excerpts from Rudolf Dolzer & Christoph Schreuer, *Principles of International Investment Law* (Oxford Univ. Press 2008).

4. Attached as Exhibit 2 is a true and correct copy of excerpts from R. Doak Bishop, *et al.*, *Foreign Investment Disputes: Cases, Materials, and Commentary* (Kluwer Law Int’l 2005).

5. Attached as Exhibit 3 is a true and correct copy of excerpts from Christoph H. Schreuer, *et al.*, *The ICSID Convention: A Commentary* (2d ed. 2009).

6. Attached as Exhibit 4 is a true and correct copy of Christoph Schreuer, *Non-Pecuniary Remedies in ICSID Arbitration*, 20 Arb. Int'l 325 (2004).
7. Attached as Exhibit 5 is a true and correct copy of excerpts from Borzu Sabahi, *Compensation and Restitution in Investor-State Arbitration* (Oxford Univ. Press 2011).
8. Attached as Exhibit 6 is a true and correct copy of excerpts from Christopher F. Dugan, *et al.*, *Investor-State Arbitration* (Oxford Univ. Press 2008).
9. Attached as Exhibit 7 is a true and correct copy of the Order and Judgment in the matter of *Grenada v. Grynberg*, No. 11-mc-00045-P1 (S.D.N.Y. Apr. 29, 2011).
10. Attached as Exhibit 8 is a true and correct copy of the ICSID arbitration award in the *Grenada* action.
11. Attached as Exhibit 9 is a true and correct copy of the Judgment in the matter of *Funnekotter v. Republic of Zimbabwe*, No. 1:09-cv-08168-CM (S.D.N.Y. Feb. 1, 2010).
12. Attached as Exhibit 10 is a true and correct copy of the ICSID arbitration award in the *Funnekotter* action.
13. Attached as Exhibit 11 is a true and correct copy of the Order and Judgment in the matter of *Zhinvali Development Ltd. v. Republic of Georgia*, No. M-82 (S.D.N.Y. Jan. 15, 2004).
14. Attached as Exhibit 12 is a true and correct copy of excerpts from the ICSID arbitration award in the *Zhinvali* action from James Crawford, *et al.*, *ICSID Reports* (Cambridge University Press 2007).
15. Attached as Exhibit 13 is a true and correct copy of a September 6, 2011 Petition to Confirm Foreign Arbitration Award in the matter of *Duke Energy International Peru Investments No. 1 Ltd. v. Republic of Peru*, No. 11-cv-01602-JEB (D.D.C. 2011).

16. Attached as Exhibit 14 is a true and correct copy of the Order in the *Duke Energy International Peru Investments No. 1 Ltd.* action.

17. Attached as Exhibit 15 is a true and correct copy of the Order to Amend Judgment with Declaration of Calvin KY Chan and Nov. 20, 2007 Order and Judgment in the matter of *Enron Corp. & Ponderosa Assets L.P. v. Argentine Republic*, No. M-82 (S.D.N.Y. Dec. 14, 2007).

18. Attached as Exhibit 16 is a true and correct copy of the ICSID arbitration award in the *Enron Corp.* action.

19. Attached as Exhibit 17 is a true and correct copy the Order and Judgment with Affidavit of C. Macneil Mitchell in the matter of *Sempra Energy International v. Argentine Republic*, No. M-82 (S.D.N.Y. Nov. 14, 2007).

20. Attached as Exhibit 18 is a true and correct copy of the ICSID arbitration award in the *Sempra Energy International* action.

21. Attached as Exhibit 19 is a true and correct copy of the docket sheet in the matter of *Blue Ridge Investments, L.L.C. v. The Republic of Argentina*, No. 10-cv-00153-PGG (S.D.N.Y.).

22. Attached as Exhibit 20 is a true and correct copy of the ICSID arbitration award in the *Blue Ridge Investments, L.L.C.* action.

23. Attached as Exhibit 21 is a true and correct copy of the docket sheet in the matter of *Continental Casualty Co. v. Argentine Republic*, No. 12-cv-01541-RJL (D.D.C.).

24. Attached as Exhibit 22 is a true and correct copy of a January 30, 2012 Petition for Order Confirming ICSID Award and Entering Judgment in the matter of *Continental Casualty Co. v. Argentine Republic*, No. 12-cv-00099-TSE-TCB (E.D. Va. 2012).

25. Attached as Exhibit 23 is a true and correct copy of the Memorandum and Order in the matter of *Siag v. Arab Republic of Egypt*, No. M-82 (S.D.N.Y. June 19, 2009).

26. Attached as Exhibit 24 is a true and correct copy of the Proposed Order and Judgment with Declaration of Richard T. Marooney submitted by the award creditors in support of their application for the recognition of the ICSID Award in the *Siag* action.

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct. Executed on February 26, 2015.

/s/ Michael J. Baratz

Michael J. Baratz